

AMENDMENTS TO LB 57

(Amendments to Final Reading copy)

Introduced by Landis, 46

1 1. Insert the following new sections:

2 Sec. 2. Section 28-308, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-308 (1) A person commits the offense of assault in the
5 first degree if he or she intentionally or knowingly causes serious
6 bodily injury to another person.

7 (2) ~~Assault~~ Except as provided in subsection (3) of this
8 section, assault in the first degree shall be a Class III felony.

9 (3) The minimum sentence for assault in the first degree
10 shall be two years if the prosecution alleges and proves beyond a
11 reasonable doubt that the victim was pregnant at the time of the
12 assault.

13 Sec. 3. Section 28-309, Revised Statutes Cumulative
14 Supplement, 2004, is amended to read:

15 28-309 (1) A person commits the offense of assault in the
16 second degree if he or she:

17 (a) Intentionally or knowingly causes bodily injury to
18 another person with a dangerous instrument;

19 (b) Recklessly causes serious bodily injury to another
20 person with a dangerous instrument; or

21 (c) While during confinement or in legal custody of
22 the Department of Correctional Services or in any county jail,

1 unlawfully strikes or wounds another.

2 (2) ~~Assault~~ Except as provided in subsection (3) of this
3 section, assault in the second degree shall be a Class IIIA felony.

4 (3) The minimum sentence for assault in the second degree
5 shall be one year if the prosecution alleges and proves beyond a
6 reasonable doubt that the victim was pregnant at the time of the
7 assault.

8 Sec. 4. Section 28-310, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 28-310 (1) A person commits the offense of assault in the
11 third degree if he or she:

12 (a) Intentionally, knowingly, or recklessly causes bodily
13 injury to another person; or

14 (b) Threatens another in a menacing manner.

15 (2) ~~Assault~~ Except as provided in subsection (3) of this
16 section, assault in the third degree shall be a Class I misdemeanor
17 unless committed in a fight or scuffle entered into by mutual
18 consent, in which case it shall be a Class II misdemeanor.

19 (3) The minimum sentence for assault in the third degree
20 shall be sixty days if the prosecution alleges and proves beyond a
21 reasonable doubt that the victim was pregnant at the time of the
22 assault.

23 2. On page 1, line 1; and page 4, line 1, strike
24 "section" and insert "sections 28-308, 28-310, and".

25 3. On page 1, line 3; and page 4, line 2, strike "section
26 28-101" and insert "sections 28-101 and 28-309".

27 4. On page 1, line 4, after the first semicolon insert

1 "to change penalties for assault in the first, second, and third
2 degrees;".

3 5. On page 2, lines 3 and 6, strike "2 to 7" and insert
4 "5 to 10"; in lines 12, 17, and 23 after "she" insert ", during the
5 commission of any criminal assault on a pregnant woman,"; in lines
6 13, 18, and 24 strike "an" and insert "her"; and in lines 13, 19,
7 and 24 after the period insert "Assault on the pregnant woman and
8 assault on her unborn child shall be considered as separate acts or
9 conduct for purposes of prosecution.".

10 6. On page 3, line 14, after "child" insert "of a
11 pregnant woman"; and after line 25 insert the following new
12 subsection:

13 "(3) For the purposes of this section, unborn child shall
14 have the same meaning as in section 6 of this act.".

15 7. Renumber the remaining sections accordingly.